

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Austin Baun Gavello

Case Number: 0980 1:15CR02039-TOR-1

Address of Offender: [REDACTED] Post Falls, Idaho 83854

Name of Sentencing Judicial Officer: The Honorable James P. Hutton, U.S. Magistrate Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: December 7, 2015

Original Offense: Theft of Government Property , 18 U.S.C. § 641

Original Sentence: Probation- 36 months Type of Supervision: Probation

Asst. U.S. Attorney: Shawn Nicholas Anderson Date Probation Commenced: 12/7/2015

Defense Attorney: Federal Defenders Date Probation Expires: 12/6/2018

PETITIONING THE COURT

To issue a WARRANT and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 03/31/2017 and 04/10/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

5 **Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On October 4, 2016, Mr. Gavello was informed of his conditions of probation and given a copy of his judgment. Mr. Gavello understood that he needed to follow all conditions of probation.

Mr. Gavello was directed to undergo urinalysis testing due to his past and current drug use of methamphetamine. He has been submitting his urinalysis tests in Idaho due to relocating his residence and supervision to the District of Idaho.

On April 11, 2017, Mr. Gavello was directed to submit a random urinalysis at Avertest, where he tested presumptive positive for methamphetamine. The sample has been sent to Alere Laboratory and the undersigned officer is currently awaiting confirmation.

6 **Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Re: Gavello, Austin Baun

April 19, 2017

Page 2

Supporting Evidence: On October 4, 2016, Mr. Gavello was informed of his conditions of probation and given a copy of his judgment. Mr. Gavello understood that he needed to follow all conditions of probation.

On April 13, 2017, Mr. Gavello reported to the United States Probation Office in Idaho. He reported he wanted to give the U.S. probation officer a clean urine sample, to prove he was complying with his conditions of probation. The urine sample he provided tested presumptive positive for methamphetamine. The sample was sent to Alere Laboratory where it was confirmed positive for methamphetamine on April 17, 2017.

Mr. Gavello has been instructed to abstain from all illegal drugs by his United States probation officer, yet he has continued use even after he was directed to stop.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/19/2017

s/Joshua D. Schull

Joshua D. Schull
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

April 19, 2017

Date